

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

Joe L. Adams, Jr.,)	Civil Action No.: 0:19-cv-00663-JMC
)	
Plaintiff,)	
v.)	
)	<u>ORDER</u>
3D Systems, Inc.,)	
)	
Defendant.)	
_____)	

This matter is before the court pursuant to Defendant 3D Systems, Inc.’s Notice of Withdrawal of Jury Demand (ECF No. 284), wherein Defendant withdrew “its demand for a jury trial set forth in its Amended Answer and Counterclaims” (ECF No. 70) and communicated its desire “to try all of its counterclaims via bench trial” using the previously scheduled jury trial dates of March 28, 2022, through March 30, 2022.

At the time Defendant filed its Notice, the court had entered an Order on September 30, 2021, granting summary judgment to Defendant on Plaintiff Joe L. Adams, Jr.’s claims for discrimination, harassment, and retaliation based on his race in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e–2000e-17; and his state-law claim for assault. (ECF No. 248 at 22.) As a result of the September 30, 2021 Order, the only issues remaining for trial were Defendant’s pending counterclaims for breach of contract, and violation of the Defend Trade Secrets Act and the South Carolina Trade Secrets Act. However, on December 27, 2021, Plaintiff filed pro se a document that was designated by the Clerk of Court as a Notice of Interlocutory Appeal.¹ (See ECF No. 277.) In this filing, Plaintiff complained about a number of things to

¹ Plaintiff titled his document a Motion for Interlocutory Appeal and Objection to Mediation Proceedings due to Racially Biased Comments Collusion, and Unfair Mediation Procedure. (ECF No. 277.)

include that the court granted Defendant summary judgment on Plaintiff's claims to avoid an appeal and because the assigned district judge and magistrate judge are black women and "neither of them would have the insight on what it is like to be in the work force as a Black Man." (*Id.* at 3, 4.) In addition, Plaintiff requested that the assigned district judge and magistrate judge be recused from the case. (*Id.* at 2.)

The issue presented by the aforementioned is whether the court should proceed with the requested bench trial in light of Plaintiff's Notice of Interlocutory Appeal. In addressing this type of situation, the United States Court of Appeals for the Fourth Circuit has stated that "[g]enerally, a timely filed notice of appeal transfers jurisdiction of a case to the court of appeals and strips a district court of jurisdiction to rule on any matters involved in the appeal." *Doe v. Public Citizen*, 749 F.3d 246, 258 (4th Cir. 2014) (citing *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982)). Upon its review, the court believes it can proceed with the bench trial because the issues on appeal relate to Plaintiff's employment, while the issues as to Defendant's counterclaims focus on allegations regarding Plaintiff's alleged misappropriation of 3D printing trade secrets. (*See* ECF No. 30 at 19 ¶ 80–33 ¶ 150.) In this regard, the court finds that Defendant's counterclaims do not involve issues relevant to Plaintiff's appeal. *See, e.g., Roche Diagnostics Operations, Inc. v. Abbott Diabetes Care, Inc.*, C/A No. 07-753-RGA-MPT, 2017 WL 4391735, at * (D. Del. Oct. 3, 2017) ("Judge Farnan found Nova's Swiss law counterclaims were separate and distinct from Roche's patent claims: 'I think there is some factual overlap, but I don't think there is an issue overlap. And I think the counterclaims and patent issues can be tried separately, both in a legal sense and in a time sense.'"). To this point, the court gives notice to the parties that a bench trial on Defendant's counterclaims will proceed starting on March 28, 2022, and last until March 30, 2022. The parties shall furnish the court with pretrial briefs and proposed findings of

fact and conclusions of law seven (7) days prior to the date set for trial, or by March 21, 2022. The court cancels the jury selection for this matter scheduled for March 9, 2022.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

February 28, 2022
Columbia, South Carolina